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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,666	06/20/2003	Geoffrey Bates	5603-3	5683
7590	01/15/2004		EXAMINER	
Woodard, Emhardt, Moriarty, McNett & Henry LLP Bank One Center/Tower 111 Monument Circle, Suite 3700 Indianapolis, IN 46204-5137			MARC COLEMAN, MARTHE Y	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,666	BATES, GEOFFREY	
	Examiner	Art Unit	
	Marthe Y Marc-Coleman	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/949,962.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) Interview Summary (PTO-413) Paper No(s) _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____ .

DETAILED ACTION

1. This office action is in response to preliminary amendment filed on 6/20/03.

Drawings

2. The drawings are objected to because:

Boxes in figures 1-3 should have appropriate label. See MPEP § 608.02(a) and (b) for handling of drawings so informal as to render examination of the application impractical. Correction is required.

- (a) The drawing must show every feature of the invention specified in the claims. (see 37 CFR 1.84(a)).
- (c) suitable meaningful legends, (not ambiguous labels or initials), are required for unlabeled or inadequately labeled drawing elements of Figures 1-3. Correction is required.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, "The invention..." (line 2) is implied and "comprises" (line 2) is a form and legal phraseology often used in claims; they should both be avoided.

Claim Rejections - 35 USC § 112

4. Claim 14 recites the limitation "a vehicle building system according to claim 1". There is insufficient antecedent basis for this limitation because claim 1 does not disclose a vehicle building system.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherrington et al. (U.S. Patent No. 6,070,155) in view of Chou et al. (U.S. Patent No. 6,330,499).

In regard to claims 1-14, Cherrington et al. discloses a vehicle repair system (see title) including a vehicle repair center entering details of the vehicle into the system database (24-32), wherein the details including a listing of parts and cost estimation (see Figs. 1, 9, 10; and col. 11, lines 55-67; and abstract), wherein information is provided on a designed site which is selectively accessible from a remote location (see Fig. 13; col. 5 lines 50-53) providing a security code (see Fig. 3; col. 12 lines 25-45); the system including the provision of visual information during repair (see col. 6 lines 29-650.

Cherrington et al. fails to disclose that the vehicle user is subscribed to the system and providing transporting the vehicle to the closest available repair location, utilizing a vehicle recovery/tracking system and access of an internet site.

However, Chou et al. teaches, in the same field of endeavor of vehicle repair system, a vehicle repair system wherein the vehicle user is subscribed to the system (the user has the capability of contacting a service as noted in Figs. 3-5) and providing transporting the vehicle to the closest available repair location (see col. 5 lines 49-52; col. 7 lines 50-60), utilizing a vehicle recovery/tracking system (by way of GPS 150A) and access of an internet site (150C and 150D; see Fig. 1).

At the time of the invention, it would have been obvious to one skilled in the art to modify Cherrington et al's system by including subscribing to the system and providing

transporting the vehicle to the closest available repair location, utilizing a vehicle recovery/tracking system, and access of an Internet site as evidence by Chou et al. in order to enhance reliability.

While both Cherrington et al. and Chou et al. are somewhat silent on the provision of an equivalent vehicle for the duration of the repair, such would have been obvious to one of ordinary skill in the art at the time of the invention as old and well settled because the skilled artisan recognizes such provision would enhance reliability and efficiency of the system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marthe Y Marc-Coleman whose telephone number is (703) 305-4970. The examiner can normally be reached on Monday-Thursday from 9:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Patent Examiner
Marthe Y. Marc-Coleman
Marthe Y. Marc-Coleman

January 7, 2004